

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PENSIONSVERSICHERUNGSANSTALT

Plaintiff,  
-against-

**MEMORANDUM AND ORDER**  
Case No. CV-07-5300 (FB) (RLM)

THE ESTATE OF ROSE EISINGER, SONJA  
ROSENBAUM, individually and as distributee  
of the Estate of Alphons Rosenbaum, GLADYS  
ROBINSON, and PHILLIP L. GREENBLATT

Defendants.  
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*Appearances*

*For the Plaintiff:*

STEPHEN MICHAEL HARNICK, ESQ.  
Harnik & Finkelstein  
405 Lexington Avenue, 42nd Floor  
New York, NY 10174

*For the Defendant Sonja Rosenbaum:*

LEWIS R. SILVERMAN, ESQ.  
Rutherford & Christie, LLP  
369 Lexington Avenue, 8th Floor  
New York, NY 10017-5947

*For the Defendant Gladys Robinson:*

LUCIA TULLY CHAPMAN, ESQ.  
Law Office of Henry Putzel, III  
565 Fifth Avenue, 9th Floor  
New York, NY 10017

*For the Defendant Phillip L. Greenblatt:*

THOMAS JOSEPH MORTATI, ESQ.  
Burke, Scolamiero, Mortati & Hurd, LLP  
9 Washington Square, Suite 201  
P.O. Box 15085  
Albany, NY 11212-5085

**BLOCK, Senior District Judge:**

At oral argument on September 18, 2009, plaintiff requested that “discovery [be] opened for the purposes of getting [the checks here at issue from Bank Austria,]” Hr’g Tr. 13:6-7; the Court granted plaintiff’s request. By letter of October 30, 2009, plaintiff informed the Court that it

had obtained copies of the checks and sought leave to conduct additional discovery of the banks in which the checks were deposited. Defendants Rosenbaum and Greenblatt oppose the request.

Plaintiff represented to the Court that obtaining copies of the check from Bank Austria “is all [it is] asking for.” Tr. 13:15. The Court holds plaintiff to its representation and declines to modify its Order of September 18, 2009, and reopen discovery. *See Petrosino v. Bell Atlantic*, 385 F.3d 210, 232 (2d Cir. 2004) (It is within the “sound discretion of the district court whether to grant further discovery.”).

Should the parties wish to proceed with motions for summary judgment, such motions must be made within 30 days of the issuance of this Order and in accordance with the Court’s rules and procedures. If no such motion is made, the Court will set the matter down for trial.

**SO ORDERED.**

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FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
November 20, 2009